

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ANGELICA HALE,

Plaintiff,

v.

EMPORIA STATE UNIVERSITY,

Defendant.

Case No. 16-4182-DDC

MEMORANDUM AND ORDER

This matter is before the court on plaintiff's filing stylized as a Motion to Alter or Amend Judgment (Doc. 199) and Memorandum in Support (Doc. 205). Despite the motion's title, the court construes the motion as one seeking an award of attorneys' fees. The court does so based on (1) plaintiff's counsel's decision to e-file the motion on CM/ECF as a motion for attorney fees, (2) the motion's substance, and (3) the Federal Rules of Civil Procedure governing attorney's fees awards. *See* Doc. 199 at 1 (explaining that plaintiff moves "[p]ursuant to . . . Rule 54"); Fed. R. Civ. P. 54(d)(2) (governing claims for attorney's fees); *cf.* Fed. R. Civ. P. 59(e) (governing motions to alter or amend a judgment).¹

Defendant Emporia State University has not filed a formal response but its counsel, in an email dated October 28, 2020, has informed the court that the "parties have reached an agreement regarding the pending Motion for Attorney Fees (Doc. 199) and Memorandum in Support (Doc. 205). Attached for the Court's convenience is a proposed agreed order." This

¹ *See also Townley v. Servicemaster Co., LLC*, No. 17-2430-DDC-JPO, 2017 WL 5517948, at *3 (D. Kan. Nov. 17, 2017), *vacated on other grounds*, *Townley v. Servicemaster Co., LLC*, No. 17-2430-DDC-JPO, Doc. 37 (D. Kan. Feb. 26, 2018) (granting prevailing Title VII plaintiff's post-judgment "Motion for Attorneys' Fees" under Rule 54(d) filed within 14 days of the court's entry of judgment).

Order, with minor changes incorporating language reflecting the substance of the counsel's email message to the court and explaining the court's construction of the filing, is that agreed Order.

WHEREFORE, for good cause shown, and pursuant to the agreement and stipulation of the parties, the court hereby awards \$24,160 for attorney fees and expenses of Brett M. Rubin and \$4,799.56 for attorney fees and expenses of Sarah A. Brown.

IT IS SO ORDERED.

Dated this 2nd day of December, 2020.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge